

SEALED BY ORDER  
OF THE COURT

# United States District Court

E-filing

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

CR 15 00013

UNITED STATES OF AMERICA,

V.

EJD

PSG

Filed

JAN 07 2015

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

NATHAN MOSER, PETER SIRAGUSA, aka Bobby  
Russo, TRENT WILLIAMS, CARLO PACILEO, and  
SUMIT GUPTA aka Sumit Vishnoi

DEFENDANT(S).

## INDICTMENT

VIOLATIONS: 18 U.S.C. § 1030(b) -Conspiracy; 18 U.S.C. §§ 1030(a)(2)(C), (c)(2)  
(B)(i)-Accessing a Protected Computer and Obtaining Information; 18 U.S.C. § 2511  
(1)(a)-Interception of Electronic Communications; 18 U.S.C. § 2-Aiding and Abetting

A true bill.

*[Signature]*

Foreman

Filed in open court this 7th day of

January, 2015

Clerk

*[Signature]*

DOCUMENT NO.	FILED
<u>1e</u>	RECORDED
DISTRICT CLERK NORTHERN DISTRICT OF CALIFORNIA SAN JOSE	

Bail, \$ NO bail arrest warrant.

SEALED ORDER  
OF THE COURT

E-filing

MELINDA HAAG (CABN 132612)  
United States Attorney

Filed  
JAN 07 2015  
RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

EJD  
PSG  
CR 15 00013

UNITED STATES OF AMERICA,

v.

NATHAN MOSER,  
PETER SIRAGUSA,  
aka "Bobby Russo,"  
TRENT WILLIAMS,  
CARLO PACILEO, and  
SUMIT GUPTA,  
aka "Sumit Vishnoi,"

Defendants.

CASE NO.

VIOLATIONS: 18 U.S.C. § 1030(b) — Conspiracy;  
18 U.S.C. §§ 1030(a)(2)(C), (c)(2)(B)(i) — Accessing  
a Protected Computer and Obtaining Information; 18  
U.S.C. § 2511(1)(a) — Interception of Electronic  
Communications; 18 U.S.C. § 2 — Aiding and  
Abetting

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

At all times relevant to this indictment, unless otherwise stated, with all dates given being both  
approximate and inclusive:

The Defendants

1. NATHAN MOSER, of Menlo Park, California, was a private investigator and  
owner of Moser and Associates in Menlo Park, California.

2. PETER SIRAGUSA, aka "Bobby Russo," of Novato, California, was a private

investigator and owner of Siragusa Investigations in Novato, California. Although MOSER and SIRAGUSA operated separate business entities, they often assisted in each other's investigations.

3. CARLO PACILEO, of El Segundo, California, was the director of security for ViSalus, a network marketing company based in Los Angeles, California, with offices in Troy, Michigan.

4. TRENT WILLIAMS, of Martinez, California, was a computer hacker employed by MOSER and SIRAGUSA to access the e-mail accounts, Skype accounts, and protected computers of individuals without authorization.

5. SUMIT GUPTA, aka "Sumit Vishnoi," of Jabalapur, India, was a computer hacker employed by MOSER and SIRAGUSA to access the e-mail accounts, Skype accounts, and protected computers of individuals without authorization.

#### The Victims

6. K.J.D. and F.N. were co-founders of Ocean Avenue, a network marketing company based in South Jordan, Utah. Ocean Avenue was a competitor of ViSalus and had hired several former ViSalus employees. As a result, Visalus initiated a civil lawsuit against Ocean Avenue employees. ViSalus hired MOSER to investigate Ocean Avenue. MOSER enlisted SIRAGUSA to assist with that investigation.

7. K.T. was chief marketing officer at Ocean Avenue and a former employee of ViSalus.

8. J.C. was employed by Silvaco, Inc., a privately-owned provider of electronic design automation software, and process and device simulation software, based in Santa Clara, California. Silvaco was co-founded by I.P., who had a child out of wedlock with J.C. After I.P.'s death, J.C. sued I.P.'s estate and Silvaco for child support and employment benefits. I.P.'s widow, K.P., hired SIRAGUSA to investigate J.C. SIRAGUSA enlisted MOSER to assist with that investigation.

#### COUNT ONE: (18 U.S.C. § 1030(b) — Conspiracy to Commit an Offense Under 18 U.S.C. § 1030(a))

9. Paragraphs 1 through 8 are realleged and incorporated as if fully set forth here.

10. Beginning at a time unknown to the Grand Jury, but no later than April 2012, and continuing at least to June 2013, in the Northern District of California and elsewhere, the defendants,

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NATHAN MOSER,  
 PETER SIRAGUSA,  
 aka "Bobby Russo,"  
 TRENT WILLIAMS,  
 CARLO PACILEO, and  
 SUMIT GUPTA,  
 aka "Sumit Vishnoi,"

did knowingly conspire and agree with each other and other persons known and unknown to the Grand Jury to commit an offense under 18 U.S.C. § 1030(a)(2)(C), that is, to access, without authorization and for purposes of commercial advantage and private financial gain, the e-mail accounts, Skype accounts, and protected computers of the victims.

Manner and Means of the Conspiracy

11. The object of the conspiracy was to obtain information that would assist the clients of MOSER and SIRAGUSA, including CARLO PACILEO and K.P., in the clients' civil lawsuits. MOSER and SIRAGUSA hired TRENT WILLIAMS and SUMIT GUPTA, among others, to hack into the victims' e-mail accounts, Skype accounts, and protected computers.

12. It was part of the conspiracy that, in addition to accessing e-mail accounts, Skype accounts, and protected computers without authorization, the defendants installed and used a keylogger—a tool that intercepts and logs the particular keys struck on a keyboard in a covert manner so that the person using the keyboard is unaware that his or her actions are being monitored—to obtain information that would assist in the civil lawsuits of MOSER and SIRAGUSA's clients.

13. It was further part of the conspiracy that MOSER, SIRAGUSA, and WILLIAMS set up the e-mail account, krowten.a.lortnoc@gmail.com, to which they all had access, to communicate with one another. MOSER and WILLIAMS communicated by writing draft e-mails in the account, which could be deleted after the message was read. SIRAGUSA typically communicated with WILLIAMS by sending e-mails from SIRAGUSA's alias account, bobbyrusso1973@gmail.com. MOSER typically communicated with GUPTA by sending e-mails from natemoserpi@gmail.com to vishsumit@gmail.com.

All in violation of Title 18, United States Code, Sections 1030(b) and 1030(c)(2)(B)(i).

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COUNTS TWO THROUGH EIGHT: (18 U.S.C. § 1030(a)(2)(C), (c)(2)(B)(i) — Accessing a Protected Computer and Obtaining Information; 18 U.S.C. § 2 — Aiding and Abetting)

14. The factual allegations in paragraphs 1 through 13 are realleged and incorporated as if fully set forth here.

15. On the dates set forth below, in the Northern District of California and elsewhere, the defendants,

NATHAN MOSER,  
PETER SIRAGUSA,  
aka "Bobby Russo,"  
TRENT WILLIAMS,  
CARLO PACILEO, and  
SUMIT GUPTA,  
aka "Sumit Vishnoi,"

acting for the purposes of commercial advantage and private financial gain, did intentionally access a protected computer without authorization and exceed authorized access, and thereby obtain information from a protected computer, as set forth in each of Counts Two through Eight:

Count	Date	Account/Computer Type	Account/Computer Holder
2	02/23/2013	E-mail	K.J.D.
3	03/18/2013	Skype	K.J.D. and F.N.
4	04/06/2013	E-mail	K.T.
5	04/07/2013	E-mail	K.T.
6	04/09/2013	E-mail	J.C.
7	04/17/2013	E-mail	J.C.
8	06/14/13 to 06/18/13	Sony Desktop Computer	J.C.

All in violation of Title 18, United States Code, Sections 1030(a)(2)(C), (c)(2)(B)(i) and 2.

COUNT NINE: (18 U.S.C. § 2511(1)(a), 4(a) — Interception of Electronic Communications; 18 U.S.C. § 2 — Aiding and Abetting)

16. The factual allegations contained in Paragraphs 1 through 13 are realleged and incorporated as if fully set forth here.

1 17. On April 26, 2013, in the Northern District of California and elsewhere, the defendants,

2 NATHAN MOSER,  
3 PETER SIRAGUSA,  
4 aka "Bobby Russo,"  
5 TRENT WILLIAMS,  
6 CARLO PACILEO, and  
7 SUMIT GUPTA,  
8 aka "Sumit Vishnoi,"

9 did intentionally intercept, endeavor to intercept, procure another person to intercept, and procure  
10 another person to endeavor to intercept, an electronic communication, that is, they attempted to install a  
11 keylogger on K.J.D.'s computer without authorization.

12 All in violation of Title 18, United States Code, Sections 2511(1)(a), (4)(a), and 2.

13 COUNT TEN: (18 U.S.C. § 2511(1)(a), 4(a) — Interception of Electronic Communications; 18 U.S.C.  
14 § 2 — Aiding and Abetting)

15 18. The factual allegations contained in Paragraphs 1 through 13 are realleged and  
16 incorporated as if fully set forth here.

17 19. Beginning no later than May 2013, and continuing until June 18, 2013, in the Northern  
18 District of California and elsewhere, the defendants,

19 NATHAN MOSER,  
20 PETER SIRAGUSA,  
21 aka "Bobby Russo,"  
22 TRENT WILLIAMS,  
23 CARLO PACILEO, and  
24 SUMIT GUPTA,  
25 aka "Sumit Vishnoi,"

26 did intentionally intercept, endeavor to intercept, procure another person to intercept, and procure  
27 another person to endeavor to intercept, an electronic communication, that is, they installed a keylogger  
28 on J.C.'s Sony Desktop Computer without authorization.

29 //

30 //

31 //

32 //

33 //

34 //

1 All in violation of Title 18, United States Code, Sections 2511(1)(a), (4)(a), and 2.

2  
3 DATED:

A TRUE BILL

4  
5 FOREPERSON

6 MELINDA HAAG  
United States Attorney

7  
8  
9 MATTHEW A. PARRELLA  
Chief, Computer Hacking/Intellectual Property Unit

10 (Approved as to form: MAP)  
AUSA PARRELLA

AO 257 (Rev. 6/78)

SEALED BY ORDER OF THE COURT

E filing

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

**OFFENSE CHARGED**

Count 1: 18 U.S.C. § 1030(b) — Conspiracy ☐ Petty  
 Counts 2 - 8: 18 U.S.C. § 1030(a)(2)(C), (c)(2)(B)(i) & 2 — Accessing a Protected Computer and Obtaining Information; Aid and Abet ☐ Minor  
 Counts 9 - 10: 18 U.S.C. § 2511(1)(a), 4(a) & 2 — Interception of Electronic Communications; Aid and Abet ☐ Misdemeanor  
☒ Felony

PENALTY: Count 1: 5 years, \$250,000 fine, 3 years supervised release.  
 Counts 2 - 8: 10 years each count, \$250,000 fine each count.  
 Counts 9 - 10: 5 years each count, \$250,000 fine.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

▶ NATHAN MOSER

DISTRICT COURT NUMBER

CR 15 00013

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FBI SA Greg Fine

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome, this proceeding.  
 1) ☐ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

Name and Office of Person Furnishing Information on this form

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Matthew A. Parrella

☐ This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments:

Δ1



FILED BY ORDER  
OF THE COURT

E-filing

# DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

Count 1: 18 U.S.C. § 1030(b) — Conspiracy ☐ Petty  
Counts 2 - 8: 18 U.S.C. § 1030(a)(2)(C), (c)(2)(B)(i) & 2 — ☐ Minor  
Accessing a Protected Computer and Obtaining ☐ Misde-  
Information; Aid and Abet meanor  
Counts 9 - 10: 18 U.S.C. § 2511(1)(a), 4(a) & 2 — ☐ Felony  
Interception of Electronic Communications; Aid and Abet ☒ Felony

PENALTY: Count 1: 5 years, \$250,000 fine, 3 years supervised release.  
Counts 2 - 8: 10 years each count, \$250,000 fine each count.  
Counts 9 - 10: 5 years each count, \$250,000 fine.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

## DEFENDANT - U.S.

► PETER SIRAGUSA aka Bobby Russo

DISTRICT COURT NUMBER

CR 15 00013

## DEFENDANT

### IS NOT IN CUSTODY

- Has not been arrested. Pending outcome of this proceeding.
- 1) ☐ If not detained given arrest prior summons was served on these charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

### IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes  
been filed? ☐ No

If "Yes"  
give date  
filed

DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

## PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SA Greg Fine

☐ person is awaiting trial in another Federal or State Court,  
give name of court

☐ this person/proceeding is transferred from another district  
per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on motion  
of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW  
DOCKET NO.

☐ this prosecution relates to a  
pending case involving this same  
defendant

MAGISTRATE  
CASE NO.

☐ prior proceedings or appearance(s)  
before U.S. Magistrate regarding this  
defendant were recorded under

Name and Office of Person  
Furnishing Information on this form

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.  
Attorney (if assigned)

Matthew A. Parrella

## ADDITIONAL INFORMATION OR COMMENTS

### PROCESS:

☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or  
warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

Δ2)

SEALED BY ORDER

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

Count 1: 18 U.S.C. § 1030(b) — Conspiracy  
Counts 2 - 8: 18 U.S.C. § 1030(a)(2)(C), (c)(2)(B)(i) & 2 —  
Accessing a Protected Computer and Obtaining  
Information; Aid and Abet  
Counts 9 - 10: 18 U.S.C. § 2511(1)(a), 4(a) & 2 —  
Interception of Electronic Communications; Aid and Abet☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ FelonyPENALTY: Count 1: 5 years, \$250,000 fine, 3 years supervised release.  
Counts 2 - 8: 10 years each count, \$250,000 fine each count.  
Counts 9 - 10: 5 years each count, \$250,000 fine.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

## DEFENDANT - U.S.

TRENT WILLIAMS

DISTRICT COURT NUMBER

CR 15

FILED  
JAN 7 2015  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EJD

## DEFENDANT

## IS NOT IN CUSTODY

Has not been arrested, pending outcome of this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

## IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI SA Greg Fine

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underName and Office of Person  
Furnishing Information on this form☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.  
Attorney (if assigned)

Matthew A. Parrella

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

13

# DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

Count 1: 18 U.S.C. § 1030(b) — Conspiracy ☐ Petty  
Counts 2 - 8: 18 U.S.C. § 1030(a)(2)(C), (c)(2)(B)(i) & 2 — ☐ Minor  
Accessing a Protected Computer and Obtaining  
Information; Aid and Abet ☐ Misdemeanor  
Counts 9 - 10: 18 U.S.C. § 2511(1)(a), 4(a) & 2 — ☒ Felony  
Interception of Electronic Communications; Aid and Abet

PENALTY: Count 1: 5 years, \$250,000 fine, 3 years supervised release.  
Counts 2 - 8: 10 years each count, \$250,000 fine each count.  
Counts 9 - 10: 5 years each count, \$250,000 fine.

## PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SA Greg Fine

☐ person is awaiting trial in another Federal or State Court,  
give name of court

☐ this person/proceeding is transferred from another district  
per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
charges previously dismissed  
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☐ U.S. ATTORNEY ☐ DEFENSE

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CASE NO.

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Name and Office of Person  
Furnishing Information on this form

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.  
Attorney (if assigned)

Matthew A. Parrella

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

## DEFENDANT - U.S.

CARLO PACILEO

DISTRICT COURT NUMBER

CR 15

00013EJD  
JAN 07 2015  
PSG

## DEFENDANT

### IS NOT IN CUSTODY

- Has not been arrested, pending outcome of this proceeding
- ☐ If not detained give date any prior summons was served on above charges
  - ☐ Is a Fugitive
  - ☐ Is on Bail or Release from (show District)

### IS IN CUSTODY

- ☐ On this charge
- ☐ On another conviction } ☐ Federal ☐ State
- ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes"  
give date  
filed

DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

### PROCESS:

☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments:

Δ4

SEALED BY ORL  
OF THE COURT

Filing

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
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Information; Aid and Abet  
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☐ Minor  
☐ Misdemeanor  
☒ FelonyPENALTY: Count 1: 5 years, \$250,000 fine, 3 years supervised release.  
Counts 2 - 8: 10 years each count, \$250,000 fine each count.  
Counts 9 - 10: 5 years each count, \$250,000 fine.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

SUMIT GUPTA aka Sumit Vishnoi

DISTRICT COURT NUMBER

CR 15

000/153

DEFENDANT  
CLERK RICHARD W. WIEING  
JAN 07 2015  
U.S. DISTRICT COURT  
SAN JOSE, CALIFORNIA

EJD

PSG

**IS NOT IN CUSTODY**  
Has not been arrested, pending outcome of this proceeding.

- 1) ☐ If not detained give date any summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

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Month/Day/Year

Or... If Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI SA Greg Fine

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a re prosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

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☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underName and Office of Person  
Furnishing Information on this form☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.  
Attorney (if assigned)

Matthew A. Parrella

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: \_\_\_\_\_

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Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

15